

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

The following FAR and NFS clauses are suggested for Cost-Plus-Fixed-Fee Research and Development contracts with commercial prime contractors to be flowed down to an educational subcontractor.		
Clause	Title	Notes
52.203-6	Restrictions on Subcontractor Sales to the Gov (Jul 95)	Include in subcontracts that exceed \$100,000
52.203-7	Anti-Kickback Procedures (Jul 95)	Include in subcontracts that exceed \$100,000, except for paragraph (c)(1)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (Jun 97)	Include in subcontracts that exceed \$100,000
52.204-2	Security Requirements (Apr 84) ALT I	Include in subcontracts that involve access to classified information, but exclude reference to Changes clause.
52.208-8	Helium Requirement Forecast and Required Sources for Helium	Include in subcontract or order that involves furnishing of a major helium requirement.
52.215-2	Audit and Records -- Negotiation (Jun 99) (ALT II)	Include in subcontracts that exceed SAT and For which cost or pricing data are required; or That require the subcontractor to furnish reports as discussed in paragraph (e) of this clause.
52.215-10	Price Reduction for Defective Cost or Pricing Data (Oct 1997)	Include in subcontracts if it is anticipated that cost or pricing data will be required
52.215-12	Subcontractor Cost or Pricing Data (Oct 97)	Include in subcontracts that exceed \$500,000
52.215-13	Subcontractor cost or Pricing Data--Modification (Oct 97)	Include in subcontracts that exceed \$500,000, if 52.215-12 is not used
52.215-14	Integrity of Unit Prices (Oct 97)	Include in subcontracts, less paragraph (b), that exceed the SAT, except for construction or A-E services, utility service, services where supplies are not required; commercial items; and petroleum products.

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

Clause	Title	Notes
52.215-15	Pension Adjustments and Asset Reversions (Dec 98)	Include in subcontracts if it is anticipated that cost or pricing data will be required
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions (Oct 97)	Include in subcontracts if it is anticipated that cost or pricing data will be required
52.215-19	Notification of Ownership Changes (Oct 97)	Include in subcontracts if it is anticipated that cost or pricing data will be required
52.216-7	Allowable Cost and Payment (Mar 00)	Include in cost reimbursement subcontracts, but in subparagraph a, substitute "Subpart 31.3" for the words "Subpart 31.2".
52.219-8	Utilization of Small Business Concerns (Oct 00)	Include in subcontracts that exceed \$100,000 and offer subcontracting opportunities
52.219-9	Small Business Subcontracting Plan (Oct 00)	Applies when contract action exceeds \$500,000 and subcontracting possibilities exist
52.222-4	Contract Work Hours and Safety Standards Act (Sep 00)	Involve employment of laborers or mechanics. Include in Subcontracts over \$100,000 and a clause requiring the subcontractors to include the clause in any lower tier subcontracts.

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

Clause	Title	Notes
52.222-21	Prohibition of Segregated Facilities (Feb 99)	Include this clause in every subcontract and purchase order that is subject to the Equal Opportunity clause of this contract.
52.222-26	Equal Opportunity (Feb 99)	Include the terms and conditions of subparagraphs (b)(1) through (11) in every subcontract or purchase order that is not exempted by the rules, regulations, or orders of the Secretary of Labor issued under Executive Order 11246, as amended, so that these terms and conditions will be binding upon each subcontractor or vendor).
52.222-35	Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (Apr 98)	Include in all subcontracts or purchase order that exceed \$10,000 or more, unless exempted by rules, regulations, or orders of the Secretary (of Labor).
52.222-36	Affirmative Action for Workers with Disabilities (Jun 98)	Include in all subcontracts or purchase order that exceed \$10,000 or more, unless exempted by rules, regulations, or orders of the Secretary (of Labor).
52.222-37	Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (Jan 99)	Include in all subcontracts or purchase order that exceed \$10,000 or more, unless exempted by rules, regulations, or orders of the Secretary (of Labor).
52.223-13	Certification of Toxic Chemical Release Reporting (Oct 00)	See 52.223-14

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

Clause	Title	Notes
52.223-14	Toxic Chemical Release Reporting (Oct 00)	For competitive subcontracts expected to exceed \$100,000 (including all options), include a solicitation provision substantially the same as the provision at FAR 52.223-13, Certification of Toxic Chemical Release Reporting; and (2) Include in any resultant subcontract exceeding \$100,000 (including all options), the substance of this clause, except paragraph (e).
52.224-1	Privacy Act Notification (Apr 84)	Include in subcontracts when work statement requires design, development or operation of a system of records on individuals.
52.224-2	Privacy Act (Apr 84)	Include in subcontracts when work statement requires design, development or operation of a system of records on individuals.
52.225-13	Restrictions on Certain Foreign Purchases (Jul 2000)	Include in all subcontracts
52.227-1, 52.227-1 (Alt 1)	Authorization and Consent (Jul 95), and Alt 1 (Jul 95)	Include in subcontracts at any tier for supplies or services (including construction, A-E services, and materials, supplies, models, samples and services) expected to exceed SAT.
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (Aug 96)	Include in all subcontracts at any tier for supplies or services (including construction and A-E for material, supplies, models, samples, or design or testing services) expected to exceed the SAT.
52.227-10	Filing of Patent Applications - Classified Subject Matter (Apr 84)	Include in all subcontracts at any tier that cover or are likely to cover classified subject matter.

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

Clause	Title	Notes
52.227-11	Patent Rights- Retention by the Contractor (Short Form) (Jun 97)	Include as modified by 1852-227.11 in all subcontracts for experimental, developmental or research works performed by a small business or nonprofit organization.
52.227-13	Patent Rights --Acquisition by the Government (Jan 97)	Unless otherwise directed or authorized by the contracting officer, 1852-227.11 shall instead be flowed down to small businesses and non-profit subcontractors.
52.227-14	Rights in Data --General (Jun 87), Alt IV (June 87) --R&D work by universities	Not a mandatory flowdown, but the Contractor has the responsibility to obtain from its subcontractors all data and rights necessary to fulfill Contractor's obligations under contract. If subcontractor refuses, subcontract award cannot be made without further authorization.
52-230-2	Cost Accounting Standards (Apr 1998)	Include only in negotiated subcontracts that exceed \$500,000 where the prime is an FFRDC or those limited places where full CAS coverage applies (see 48 CFR 9903.201-2(c)(6), FAR Appendix

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

Clause	Title	Notes
52.230-3	Disclosure and consistency of Cost Accounting Practices (Apr 98)	Include clause, except paragraph (b) in subcontracts that exceed \$500,000 unless otherwise exempt. See note in 52.230-5
52.230-5	Cost Accounting Standards-Educational Institutions (Apr 98)	Include in negotiated subcontracts that exceed \$500,000, unless 52.230-2 applies or effort is exempt from CAS coverage (see 48 CFR 9903.201-1 FAR Appendix).
52.230-6	Administration of Cost Accounting Standards (Nov 99)	Applicable when 52.230-2 or 52.230-3 are included in contract.
52.237-7	Indemnification and Medical Liability Insurance (Jan 97)	Include in subcontracts for health care services.
52.244-6	Subcontracts for Commercial Items and Commercial Components (Oct 98)	Include in all subcontracts for supplies or services other than commercial items.
52.245-5	Government Property (Cost-Reimbursement, Time & Material, or Labor Hour Contracts) (Jan 86) Alt I (Jul 85)	Not a mandatory flowdown, but if Contractor transfers Government property to the subcontractor, the subcontract shall contain provisions that either relieve the subcontractor from liability for loss or destruction of, or damage to the property, or return of all government property in good condition.
52.247-63	Preference for U.S. Flag Carriers (Jan 97)	Include in subcontracts that may involve international air transportation
52.247-64	Preference for Privately Owned U.S. Flag Commercial Vessels (Jun 00)	In contracts over the SAT, insert clause in all subcontracts or purchase orders.
52.249-5	Termination for Convenience of the Government (Educational and other Nonprofit Institutions) (Sep 96)	The relationship between the contractor and subcontractor should be clearly indicated. Inapplicable conditions should be deleted, and the period for submitting the contractor's termination settlement proposal should be reduced.

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

Clause	Title	Notes
1852.204-76	Security Requirements for Unclassified Information Technology Resources (Jul 00)	Include in all subcontracts for unclassified IT resources or services, including IT hardware, software, and management, maintenance, programming and system administration. Or when personnel have physical or electronic access to information. (IMPLEMENTATION SUSPENDED FOR 90 DAYS AS OF 3/23/01 BY NASA.)
1852.208-81	Restrictions on Printing and Duplicating (Aug 93)	Include in each subcontract that may involve a requirement for any printing and/or duplicating/copying in excess of the limits of clause.
1852.211-70	Packaging, Handling and Transportation (Jun 00)	Include requirements in subcontracts for aeronautical and space systems equipment deliverables defined as Class I (mission essential), II (delicate or sensitive), or III (need special handling or monitoring) as defined in NPG 6000.1E.
1852.219-74	Use of Rural Area Small Businesses (Sep 90)	Include in all subcontracts that offer subcontracting possibilities.
1852.233-71	Frequency Authorization (Dec 88)	Include in all subcontracts that call for developing, producing, testing or operating a device for which radio frequency is required.
1852.223-74	Drug and Alcohol-Free Workforce (Mar 96)	Include in all subcontracts where 1852.246-70 is included and an employee in a mission critical position (c.f. 14 CFR 1214.5) performs work, except subcontracts for commercial items.
1852.227-11	Patent Rights -- Retention by the Contractor (Short Form).	When the clause at FAR 52.227-11 is included in a solicitation or contract, it shall be modified by adding the following subparagraph (5) to paragraph (f) of the basic clause. In addition, use the subparagraph (2) in lieu of subparagraph (g)(2) of the basic clause.

National Aeronautics & Space Administration
 Clauses for Cost-Plus-Fixed-Fee Contracts for Research and Development

Clause	Title	Notes
1852.225-70	Export Licenses (Feb 00)	Include clause unless contract is with a foreign entity. Insert the clause with its Alternate I when the NASA project office indicates that technical data (including software) is to be exchanged by the contractor with a NASA foreign partner pursuant to an international agreement
1852.242-72 Alt 1	Observance of Legal Holidays (Aug 92)	Include Alt 1 in subcontracts when work is performed at a center.
1852.244-70	Geographic Participation in the Aerospace Program (APRIL 1985)	R&D contracts exceeding \$500,000 shall include clause in subcontracts exceeding \$100,000.
1852.247-71	Protection of the Florida Manatee (Mar 89)	Include in subcontracts when deliveries or vessel operations, dockside work, or disassembly functions will involve use of waterways inhabited by Manatees.
Additional Center specific and space transportation clauses may also apply. See NASA Center for details.		